



01 JUL 2003

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Karin H. Butchko
Carlson, Gaskey, & Olds, P.C.
400 West Maple Road, Suite 350
Birmingham, Michigan 48009

In re Application of	:	
GRIMM et al.	:	
U.S. Application No.: 10/089,032	:	DECISION ON PETITION
PCT No.: PCT/EP00/09528	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 28 September 2000	:	
Priority Date: 28 September 1999	:	
Attorney Docket No.: 60130-1370	:	
For: VEHICLE DOOR	:	

This is a decision on applicants' (second) "Renewed Petition under 37 CFR 1.47(a)" filed 19 June 2003 to accept the application without the signature of joint-inventor, Gregory Keyes.

BACKGROUND

On 28 September 2000, applicants filed international application no. PCT/EP00/09528 which claimed a priority date of 28 September 1999 and which designated the United States. A proper Demand was filed with the International Preliminary Examination Authority prior to the 19th month from the earliest claimed priority date. As a result, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 28 March 2002.

On 26 March 2002, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); preliminary amendment; and an information disclosure statement.

On 20 June 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.492(a) and (b).

On 26 August 2002, applicants filed a Petition under 37 CFR 1.47(a) and the requisite fee and a declaration and power of attorney signed by ten of the eleven joint inventors. The petition under 37 CFR 1.47(a) was dismissed without prejudice in a Decision dated 12 December 2002.

On 19 February 2003, applicants filed "Renewed Petition under Rule 37 CFR 1.47(a)." The petition was dismissed without prejudice in a Decision dated 17 April 2003.

On 19 June 2003, applicants filed the present renewed petition.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. Items (1) and (3) have been satisfied.

A review of the present petition and the accompanying papers reveal that applicant has satisfied item (2), in that the applicant has shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Gregory Keyes. The steps taken by Horst Schumacher are sufficient to show that the non-signing has refused to execute the application.

As to item (4), the declarations filed on 19 June 2003 are in compliance with 37 CFR 1.497. A review of the application papers reveal that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION


The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application will be given an international filing date of 28 September 2000 under 35 U.S.C. 363, and a date of **19 June 2003** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 703-308-6314
Fax: 703-308-6459



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

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Gregory Keyes
28 Inverclyde Road
Handsworth Wood
Birmingham, West Midlands
B20 2LJ, United Kingdom

In re Application of
GRIMM et al.
U.S. Application No.: 10/089,032
PCT No.: PCT/EP00/09528
Int. Filing Date: 28 September 2000
Priority Date: 28 September 1999
Attorney Docket No.: 60130-1370
For: VEHICLE DOOR

Dear Mr. Keyes:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.497.

Anthony Smith
Attorney-Advisor
PCT Legal Office
Tel.: 703-308-6314
Fax: 703-308-6459

Karin H. Butchko
Carlson, Gaskey, & Olds, P.C.
400 West Maple Road, Suite 350
Birmingham, Michigan 48009